

5-19-03

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MAY 15 2003

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR
INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)

3399P061

First Named Inventor: Paul A. Smethers

Application No.: 09/940,265

Art Unit: 2654

Filed: August 27, 2001

Examiner: Edouard, Patrick Nestor

Title: Graphical User Interface Features of a Browser in a Hand-Held Wireless Communication Device

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9283

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)

Adjustment date: 00/00/0000
05/1/2003 SLUANG1 00000029 09940265
01 FC:1453 -1300.00 DP
Re n. Ref: 06/18/2003 AKELLEY 0015502700
DAH 022666 Name/Number: 09940265
FC: 9204 Petition fee \$1300.00 CR

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$1300.00 (37 CFR 1.17(m)).

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently filed foreign or international application is August 27, 2002.

SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Based on Form PTO/SB/64a (05-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 5/13/03.

[Page 1 of 2]

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MAY 22 2003

OFFICE OF PETITIONS

05/21/2003 SLUANG1 00000029 09940265

01 FC:1453

1300.00 DP

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.

May 15, 2003

Date

Telephone

Number:

(408) 720-8300


Signature

Jordan M. Becker, Reg. No. 39,602

Typed or printed name & Registration No.

Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard, 7th Floor
Los Angeles, CA 90025

Enclosures: ☒ Fee Payment
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: Submission of Petition for Revival and Notice of Foreign Filing

This correspondence is being sent via express mail (Express Mail No. EV341064131US).

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>6/16/03</u>		2 Serial/Patent # <u>09/194,265</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
	Amendment			\$								
	Extension of Time			\$								
	Notice of Appeal/Appeal			\$								
X	Petition	6	5/15/03	\$ 1300. ⁰⁰								
	Issue			\$								
	Cert of Correction/Terminal Disc.			\$								
	Maintenance			\$								
	Assignment			\$								
	Other			\$								
		7 TOTAL AMOUNT OF REFUND		\$ 1300. ⁰⁰								
		8 TO BE REFUNDED BY:										
10 REASON:		Treasury Check										
	Overpayment	X	Credit Deposit A/C #:									
	Duplicate Payment		9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; text-align: center;">0</td><td style="width: 20px; text-align: center;">2</td><td style="width: 20px; text-align: center;">--</td><td style="width: 20px; text-align: center;">2</td><td style="width: 20px; text-align: center;">6</td><td style="width: 20px; text-align: center;">6</td><td style="width: 20px; text-align: center;">6</td></tr></table>			0	2	--	2	6	6	6
0	2	--	2	6	6	6						
X	No Fee Due (Explanation):											
<u>Rescinded prior to foreign filing</u>												
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>Paul Stanoski</u>			TITLE: <u>Attorney</u>									
SIGNATURE: <u>Paul Stanoski</u>			PHONE: <u>305-0011</u>									
OFFICE: <u>Office of Petitions</u>												
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED: <u>J. Chase</u>			DATE: <u>6-17-03</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

MAY 15 2003

SUBMISSION OF PETITION FOR REVIVAL

Docket Number:

3399P061

First named inventor: Paul A. Smethers

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Applicant(s) believe(s) that the above-identified application is being regarded by the United States Patent and Trademark Office (USPTO) as abandoned. Accordingly, applicant(s) submit(s) herewith a Petition for Revival of An Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing in accordance with 37 CFR § 1.137(f). The Petition fee required under 37 CFR § 1.17(m) is submitted herewith. An extra copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Applicant(s) respectfully submit(s) that the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid. The refund can be credited to Deposit Account No. 02-2666. If a refund is not forthcoming, applicant(s) reserve(s) the right to request a refund for the Petition fee based on a subsequent finding by the USPTO or a court of proper jurisdiction that the requirements of 35 U.S.C. § 122 have been misinterpreted.

May 15, 2003

Date


Signature

Telephone

Number: (408) 720-8300

Jordan M. Becker

Typed or Printed Name

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

12400 Wilshire Blvd.

Seventh Floor

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